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ATTORNEY DOCKET NO. 049128-5006

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Confirmation No.: 2174

Group Art Unit: 2871

Examiner: Z. Q. Qi

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| 02 FC:1252 | 420.00 DA |

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| 02 FC:1252 | 420.00 DA |

☐ Information Disclosure Statement with Form 1449 and \_\_\_\_\_ cited references

☐ Other \_\_\_\_\_.

2. Miscellaneous

☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

☐ Other \_\_\_\_\_.

3. Fees Calculation

(a) RCE Fee required under 37 C.F.R. § 1.17(e)

☒ **\$770.00**

☐ \$385.00 (for small entity)

(b) Extension of Time

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u>                  | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|--|--------------------------|-------------------------------|
| <input type="checkbox"/> one month             | \$ 110.00                | \$ 55.00                      |
| <input checked="" type="checkbox"/> two months | \$ 420.00                | \$210.00                      |
| <input type="checkbox"/> three months          | \$ 950.00                | \$475.00                      |
| <input type="checkbox"/> four months           | \$1,480.00               | \$740.00                      |

Extension of time fee due with this request: **\$420.00**.

If an additional extension of time is required, please consider this a Petition therefore.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefore of \$0.00 is added to the total fee due for the total months of extension now requested.

(c) Suspension of Action under 37 C.F.R. § 1.103(c)

☐ A fee of \$ \_\_\_\_\_ as set out in 37 C.F.R. § 1.17(i).

**The total fee for this submission: \$1,190.00**

4. Fee Payment

- ☐ Check in the amount of \$\_\_\_\_\_ filing fee is enclosed.
- ☒ The Director is hereby authorized to charge **\$1,190.00** for the RCE filing fee and two-month extension of time to our Deposit Account No. 50-0310.

5. Additional papers enclosed:

- ☐ Preliminary Amendment/Reply
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

6. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: October 20, 2003

By: 

Masao Yoshimura  
Reg. No. 52,526

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